

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GERRON MAURICE LINDSEY,)	
)	
Plaintiff,)	
)	
v.)	C. A. No. 04-1383-SLR
)	
LT. RISPOLI, C/O MOORE,)	
C/O VICTOR GONZALEZ,)	
SGT. CARPENTER, C/O MANNO,)	
C/O TERRY, NURSE HOLLY, and)	
NURSE BRENDA,)	
)	
Defendants.)	

**STATE DEFENDANTS' RESPONSE TO PLAINTIFF'S
REQUEST FOR PRODUCTION OF DOCUMENTS**

Defendants Lieutenant Marcello Rispoli, Corrections Officer Marshall Moore IV, Corrections Officer William Terry, Corrections Officer Victor Gonzalez, Sergeant Stephanie Carpenter, and Corrections Officer Donna Manno ("State Defendants") hereby respond to Plaintiff's Request for Production of Documents ("Request for Production"):

GENERAL OBJECTIONS

1. State Defendants object to the Request for Production to the extent that it seeks information or documents protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable privilege.
2. State Defendants object to the Request for Production to the extent that it purports to require supplementation of these responses beyond that required by Federal Rule of Civil Procedure 26(e).
3. State Defendants object to the Request for Production to the extent that it purports to place duties upon the State Defendants not set forth in, or contemplated by,

the Federal Rules of Civil Procedure.

4. State Defendants object to the Request for Production to the extent that it purports to seek information or documents not in the possession, custody or control of the State Defendants.

5. State Defendants object to the Request for Production to the extent that it seeks the production of documents equally available to the Plaintiff or Plaintiff's counsel. Such documents will be identified by the State Defendants, but will not be produced.

6. State Defendants object to the Request for Production to the extent that it purports to require production of information or documents which are impractical or unduly burdensome to reproduce.

7. State Defendants object to the Request for Production to the extent that it seeks the production of documents generated by or received from counsel for State Defendants in connection with this litigation on or after the date of the acceptance of representation on the grounds that such documents are protected by attorney-client and work product privileges.

RESPONSES

Subject to, and without waiver of the foregoing General Objections and those set forth in State Defendants' Responses, State Defendants respond, after a reasonable search, and subject to supplementation, as follows:

1. Medical file of the plaintiff.

RESPONSE: See attached documents.

2. The incident reports written by defendants on the evening of October 9, 2004 related to this case.

RESPONSE: See attached documents.

3. Medical reports related to this case.

RESPONSE: See Response to Request Number 1.

4. Disciplinary reports related to the case.

RESPONSE: See Response to Request Number 2.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Eileen Kelly

Eileen Kelly, I.D. No. 2884
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Attorney for State Defendants

Dated: September 14, 2005

CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2005, I electronically filed *State Defendants' Response to Plaintiff's Request for Production of Documents* with the Clerk of Court using CM/ECF. I hereby certify that on September 14, 2005, I have mailed by United States Postal Service, the document to the following non-registered party: Geron Maurice Lindsey.

/s/ Eileen Kelly
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